

1 ROBERT W. FREEMAN
2 Nevada Bar No. 3062
2 Robert.Freeman@lewisbrisbois.com
3 E. MATTHEW FREEMAN
3 Nevada Bar No. 14198
3 Matt.Freeman@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
7 702.893.3383
6 FAX: 702.893.3789
7 *Attorneys for Defendant*
7 *Sheriff Kevin McMahill*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

10 ***

11 HABIB ABDULKARIM,

CASE NO. 2:22-cv-2127-APG-VCF

12 Plaintiff,

**~~PROPOSED~~ DISCOVERY PLAN AND
SCHEDULING ORDER**

13 vs.

14 SHERIFF McMAHILL TRINITY FOOD
15 SERVICE;

16 Defendants.

17 Plaintiff and Defendant, by and through their counsel of record, hereby submit this
18 Discovery Plan and Scheduling Order:

19 On May 5, 2023 Defendant filed its Answer.

20 1. **Meeting**. Plaintiff represents himself in this matter. To date we have not been able
21 to contact the Plaintiff. A copy of this proposed Scheduling Order has been sent to Plaintiff via
22 U.S. Mail for his approval and signature.

23 2. **Pre-Discovery Disclosures**. The parties will submit their documents in a timely
24 manner.

25 3. **Discovery Plan**. The parties jointly propose to the Court the following discovery
26 plan:

27 (a) **Subject of Discovery**. Discovery will be needed on the following
28 subjects:

Discovery will be needed on all of the claim and defenses in this matter and all matters within the scope of Rule 26 of the Federal Rules of Civil Procedure.

(b) Discovery Cut-Off Date(s). Discovery will take 180 days, measured from, May 5, 2023. All discovery must be commenced in time to be completed by *Wednesday, November 1, 2023*.

(c) FRCP 26(a)(2) Disclosures (Experts). Disclosure of experts shall proceed as follows: Plaintiff and Defendants shall disclose their experts to each other at least sixty (60) days before the discovery cut-off date, by *Friday, September 1, 2023*, which is sixty-one (61) days before discovery cut-off. Plaintiff and Defendants shall disclose their rebuttal experts at least thirty (30) days after the initial date for disclosure of experts by *Monday, October, 2023*, which is thirty-one (31) days after the initial expert disclosure. Further each party agrees to make their experts available for deposition, and facilitate same, prior to discovery cut-off.

(d) Alternative Dispute Resolution and Case Disposition. Pursuant to LR 26-1(b)(8) and FRCP 73, the parties discussed trial by a magistrate judge and the possibility of alternative dispute resolutions and the Short Trial Program; the Plaintiff and the Defendant do not agree that any of the foregoing are appropriate for this case.

(e) FRCP 26-1(b)(9) – Electronic Evidence. The parties certify that they have discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberation. Although not known at this time which exhibits will be electronically presented, the parties stipulate that they will provide discovery in an electronic format compatible with the Court's electronic jury evidence display system. The parties stipulate that they will contact the courtroom administrator for instructions about how to prepare evidence in an electronic format and other requirements for the

Court's electronic jury evidence system.

4. Other Items.

- (a) Interrogatories and depositions. The parties agree to the customary total number of interrogatories of 25 per party; the parties may agree to more interrogatories by mutual agreement or application to the Court. The parties also agree to no more than ten (10) depositions by Plaintiff and no more than ten (10) depositions by Defendants as provided in Rule 30(a)(2)(A)(i). However, the parties may agree to more depositions by mutual agreement or application to Court.
- (b) Amending the Pleadings and Adding Parties. The parties have until *Thursday, August 3, 2023*, to file any motions to amend the pleadings or to add parties. This is ninety (90) days prior to the discovery cut-off date.
- (c) Settlement. The parties agree to confer prior to expert depositions to discuss settlement options regarding any and all parties, including any new parties.
- (d) Court Conference. The parties do not request a conference with the Court before entry of the scheduling order.
- (e) Later Appearing Parties. A copy of this discovery plan and scheduling order shall be served on any person served after it is entered, or, if additional defendants should appear, within five (5) days of their first appearance. This discovery plan and scheduling order shall apply to such later-appearing parties, unless the Court, on motion and for good cause shown, orders otherwise.
- (f) Dispositive Motions. The parties shall have until *Friday, December 1, 2023*, to file dispositive motions. This does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing dispositive motions.
- (g) Pretrial Order. The pretrial order shall be filed by *Tuesday, January 2, 2024*.

2024, which is not more than thirty-two (32) days after the date set for filing dispositive motions in the case. This date is suspended if the dispositive motions are timely filed. In such a case, the pretrial order shall be filed thirty (30) days after the Court files an Order on any dispositive motions. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

(h) Extension or Modification of the Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extension of this discovery plan and scheduling order. Any stipulation or motion must be made not later than twenty-one (21) days before the subject deadline and comply fully with LR 26-4

12	Activity	Date
13	Amend Pleadings	<i>Thursday, August 3, 2023</i>
14	Expert Disclosures	<i>Friday, September 1, 2023</i>
15	Rebuttal Expert Disclosures	<i>Monday, October 2, 2023</i>
16	Discovery Cut-Off Date	<i>Wednesday, November 1, 2023</i>
17	Dispositive Motions	<i>Friday, December 1, 2023</i>
18	Pretrial Order	<i>Tuesday, January 2, 2024</i>

20 | //

21 | //

22 | //

23 |

-7-

64

111

28 | //

1 APPROVED AS TO FORM AND CONTENT.

2 DATED this 1 day of June, 2023.

DATED this _____ day of _____, 2023.

3 LEWIS BRISBOIS BISGAARD & SMITH

4

5 ROBERT W. FREEMAN
Nevada Bar No. 3062
6 E. MATTHEW FREEMAN
Nevada Bar No. 14198
7 6385 S. Rainbow Boulevard, Suite 600
8 Las Vegas, Nevada 89118
9 *Attorneys for Defendant*
Sheriff Kevin McMahill


HABIB ABDULKARIM
9901 W. Sahara Avenue
#2089
Las Vegas, Nevada 89117
Plaintiff in Proper Person

10 **ORDER**

11 IT IS SO ORDERED

12 DATED this 9th day of June, 2023.

13 
14 UNITED STATES MAGISTRATE JUDGE